S.B. CIVIL WRIT PETITION NO.**2065/2007.**
Central Warehousing Corporation
Vs.
Accountant General and ors.
Date of order : **4/5/2007.**

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Raghunandan Sharma for petitioner.

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This is a writ petition on behalf of Central Warehousing Corporation, a Government of India Undertaking. Grievance of the petitioner is that the attachment proceedings against petitioner have been recommended by the respondents pursuant to the audit objection raised by the Accountant General against the land which has been allotted to them by the District Collector Banswara as per directon of the government for setting up a Warehouse. The petitioner had already deposited the demanded amount with the respondnets against the allotment of land in dispute when the allotment of land was made to it by the District Collector.

Learned counsel for the petitioner argued that the District Collector in his letter dated

27/9/2006 (Annexure-24) addressed to the Secretarty, Department of Revenue, Government of Rajasthan has clarified that the objection of the audit team was based on the fact that the land in dispute was within one km. of the municipal area whereas the fact is that it was 1.08 km. away from the outer limit of the municipal area. This factual aspect however is not being appreciated by the respondents despite the fact that the petitioner has made a detailed representation to the Accountant General to this effect giving all these details. The Accountant General however has not taken any final view in the matter as yet. On the other hand, respondents are proceeding to take coersive steps against the petitioner for attachment and auction of their properties as is evident from the notice dated 14/2/2007 (Annexure-28) issued by the Tehsildar Kushalgarh, District Banswara.

In the facts of the case, I do not consider it appropriate to directly entertain this writ petition and go into the question as to what is location of the land allotted to the petitioner and

for what purpose it has been allotted. However, it has to be appreciated that the land was allotted to the petitioner-Central Warehousing Corporation, which is a Government of India Undertaking, on the basis of the instructions of the Department of Revenue of the Government of Rajasthan and the District Collector in his letter dated 27/9/2006 has recorded the facts about its location as stated above, which should be taken note of by the Accountant General. The representation of the petitioner submitted to the Accountant General is still pending.

While therefore not entertaining the writ petition, I set the petitioner at liberty to make one more representation to the Accountant General detailing out its grievances and raising all those points which have been raised in the present petition. It is expected of the Accountant General to look into the matter and take a final view thereof as expeditiously as possible but in no case later than two months from the date such representation is submitted before him.

With these observations, the writ petition is disposed of.

(MOHAMMAD RAFIQ), J.

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